No. 2. Substitution of "Depressed Classes by Scheduled Castes"

Mrs. Dakshayani Velayudhan *(Nominated)*: I move the following resolution standing in my name.—

"This Council reccommends to the Government that the name "Depressed Classes" may be eliminated and in its place the term "Scheduled Castes" be inserted,"

There are two reasons which prompted me to move this resolution. The first thing is that the words "Depressed Classes" sound an inferiority complex. It shows inequality and inferiority. Over and above that. the objection of using the words "Depressed Classes" is that it has got a bad psychological effect. That is the most important thing which prompted me to, change the name. The "Depressed Classes" when they are often called that they are depressed. they always think that they are depressed and they always think that they will be always depres sed. It is to avoid this psychological effect that I recommend to change this name.

The second factor is that in British India the term "Scheduled Castes" is used to denote certain particular communities which the Government have placed together for the convenience of giving them educational and other concessions. Our Sister State of Travancore also does not use the name "depressed"; but the use the word 'backward'. That term "backward" also, I do not want.

Mr. P. Govinda Menon *(Ernakulam)*: Why not "Harijan"?

Mrs. Dakshayani Velayudhan *(Nominated)*: With all my respect to the authors of the name, the name "Harijan" is felt like calling a dog, "Napolean", or "Hitler", so long as untouchability remains. You know how far that name is correct. We do not want any other name. All over India the term "depressed classes" is not used but instead of that they use "Scheduled Castes". For the sake of uniformity and as I said before to avoid that deterimental psychological effect I recommend to this House to eliminate the term "Depressed Classes" and to insert in its place "Scheduled Castes". With these words I commend this resolution for the acceptance of the House.

മിസ്റ്റർ കെ. കൊച്ചുകുട്ടൻ: സർ, ഈ പ്രമേയത്തെ ഞാൻ പിന്താങ്ങുന്നു.

മിസ്റ്റർ കെ. കെ. കണ്ണൻ. സർ, ഈ പ്രമേയത്തെ ഞാനും അനുമോദിക്കുന്നു.

Mr. Parambi Lonappen *(Minister for Rural Development)*: This seems to be an innocent resolution. But however there seems to be a slight difficulty. The "Scheduled Castes" in British India is introduced under the Government of India Act. But in our Government of Cochin Act there is no such Schedule.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: We have got a Schedule of depressed classes in the Education Code.

Mr. Parambi Lonappen *(Minister for Rural Development)*: But that is a different thing. Any way from the file I find that formerly the word used was "backward communities". It was subseqently changed into "Depressed Classes". The mover does not like that expression. In Travancore it is also stated that the word "backward communities" is still used. The mover does not want that also. In order to have a uniformity there is no harm in using the word "Scheduled Castes". I think Government will consider that and see whether it could be introduced.

Mrs. Dakshayani Velayudhan *(Nominated)*: As the Government has stated that the Government would favourably consider the question, I do not press this resolution.

Resolution, by leave, withdrawn

ADJOURNMENT MOTION

Refusal of application to conduct public meeting

Mr. President: I think perhaps it would help the House in discussing this motion, if I say a word or two about the position of Government at this stage. Has the Hon'ble Mover any objection to my doing so?

Mr. P. Govinda Menon *(Ernakulam)*: No objection, Sir.

Mr. President: I see in the notice of this motion that reference is made to an order passed by the Division Inspector of Police, Ernakulam. Now I wish to make it quite clear at the out set that in passing this order the Inspector of Police was not acting irresponsibly or without authority. He was carrying out the policy of the Government duly communicated to him through the Commissioner of Police and therefore I hope that any criticism against the order will be directed against the Government which laid down the policy and not against their unfortunate agent who passed the order,

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Secondly I should like to say one word about the reason which have induced Government to adopt this policy. Political meetings of the kind mentioned in this notice have unfortunately from time to time and in different parts of the country been followed by wide-spread disturbances. I do not wish to suggest that this particular meeting would have been followed by these consequences nor indeed that there is a probability that these consequences would have followed. But experience cannot blind the eyes to the fact that there is a possibility of these consequences following. Now it may be argued that in normal times and under normal conditions that is a risk which a Government which attaches any value to free speech ought to be prepared to take. I am not going to discuss that question now. All that I would point out is that these are not normal times (though I may in parenthesies say that the news which has come through within the last 24 hours does give us reason to hope that before many days have passed, conditions of peace, at any rate may be restored). These are not normal times nor are the conditions of this place normal. Thanks to its natural advantages this place has become an important base for naval and military operations of considerable magnitude; and so long as conditions of war prevail Government feel that nothing ought to be allowed which many interfere with these operations. They also feel that wide spread disturbances will certainly interfere, and although as I said that I do not feel it certain, or even probable that disturbances would result from such a meeting. I do feel judging by experience, that there is a possibility that disturbances may follow and for that reason and for that reason alone the Government adopted the policy of which this order is a consequence. I do not wish to say anything more at this stage; if any Hon'ble Member wishes the position as I have stated it further clarified that will be done later in the debate.

Mr. P. Govinda Menon *(Ernakulam):* Mr. President, Sir, under rule 21 of the Legislative Council Rules, I move for the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance to wit,

The refusal, for security reasons, by the Division Inspector of Police, Ernakulam, to grant an application from the President of the Kanayannur Taluk Prajamandalam Committee for sanction to conduct a public meeting in Ernakulam on the 9th August for the purpose of explaining to the people the policy and progamme of the Prajamandalam and for celebrating the Martyrs' day.

This application referred to in the motion was made by me in my capacity as the President referred to in the motion for conducting a public meeting on the 9th August which under directions issued by the President of the Indian National Congress as also the President of the Cochin State Prajamandalam. We had to celebrate as the beginning of the national week. I wanted on that occasion to explain to the people and also to my constituency—I represent the city of Ernakulam—the policy and programme of the Prajamandalam. I hope every-one here is aware that under rule 56 of the Defence of India Rules, a notification has been issued by the Government, which after several modifications has come to this, that in the Towns of Ernakulam and Mattancheri and also in the village of Anthikkad no meetings could be conducted. In Ernakulam and Mattancheri, meetings would be allowed for purposes of Municipal Elections. But the terms of the notification would go to show that there is really no ban against public meetings, but the notification would indicate that if an application is made the Division Inspector or the Commissioner of Police as the case may be will grant sanction in proper cases for the conduct of public meetings. I am glad, Sir, that before the debate was initiated you said that the particular officer concerned was not responsible for the order. Even in the absence of that clarification I would not have made any attack on that officer because my complaint is against the Government and and the policy which Government lays down. In fact an adjournment motion is, as is well known, a censure against Government for particular acts and policy.

Now Mr. President, the right to conduct public meetings, freedom of speech, freedom of association, and other like civil liberties are things for which I and my party would fight till the very last. In fact if our entry into this House does not enable us to get a removal of these difficulties, these invasions on civil liberty, we would consider, that our entry has been futile. Not that the other objectives we have before us are not important; we attach very great importance to these things. In fact these are things for which we will stake our very membership of this House. In 1117, towards the close of that year, when this notification was for the first time introduced in our State, more than 100 persons in the State belonging to my party broke the ban, not so much because they liked to go to Jail but because they wanted to express in the strongest way possible the objection of the people and the peoples' representatives to these bans. At that time the Commissioner of Police once answered on the floor of the Legislative Council that there was really no ban on public meetings. I wanted to test that statement, even so long

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ago as 1117. A petition was put in to the Commissioner of Police for a license to conduct a public meeting to protest against certain policies of the Government. The petition was signed by Messrs. Karimpat Achyuta Menon, a retired Judge of the High Court, Ambadi Sankara Sankara Menon a retired Government Advocate and an Ex-Deputy President of this Council, Marayil Krishna Menon a leading citizen of the State and finally signed by me. Even on that petition no sanction was given and then I concluded that this is really a ban and not exactly a restraint upon the conduct of public meetings. In this particular case if a sanction has not been allowed I put it to you, Sir, which is the case in which a sanction for any public meeting would be allowed. In 1113 when the present constitution was inagurated by the then Maharaja, a solemn declaration was made that the objective of His Highness the Maharaja and his successors would be to see that in this State ultimately a form of Government as is now obtained in Great Britain would come into existence. And as a first step towards that final goal the Constitution Act was introduced and certain departments of Government were transferred to a popular Minister. Sir, much elucidation is not necessary to show that, that form of Government can succeed and will succeed only if there is public criticism which alone will enable correct and good public opinion to grow. As has been often observed public criticism is the oxygen of democracy. In its absence it will wither away; it will grow weaker and weaker every day. When that is so, when a form of representative Government at least partial representative Government has been introduced in our Country, is it the position of the Government that the opposition party will not be allowed to air its views in public meetings, will not be allowed to explain its policy and programme to the people and even when a request is made by the leader of that party, the leader of the opposition, to conduct a public meeting to explain the policy and programme of his party no sanction would be given? If that is so it is a grievous state of affairs. I can understand the objection to the reference to the Martyrs ' day in my application. There may be objections. But then what is this Martyrs day Sir? The president of the Indian National Congress, Moulana Abul Kalam Azad, has given definite instructions how the day should be celebrated. It is to be a day to pay respect to the several patriots of the country, who went under not because they committed acts of sabbotage nor other violent activities but who in our opinion, went under on account of the uncontrolled repression; patriots of the land, men, women and children who lost their lives, persons like Aruna Asaf Ali, Jai Parakash Narain, Achuth Patwaradhan, and Ram Manohar Lohiya, the flowers of the nation, who had to go underground on account of the hounds of the Police and Military following them from house to house and door to door. To their sacred memory, Mr. President, as directed, every patriotic citizen of this country would meet orderly in public meetings and pray for them. There are definite instruction that there shall not be several speeches, only reference to the constructive programme can be made and there should be silent prayer to the souls of those who have departed and to the well-being of those who though alive are as good as departed. And who is the person, Sir, who gave this direction?-the person who, but the other day, was called by Lord Wavell to form a Government for this country, a person who put the other day was asked by His Majesty's representative in India to carry on the Government in this country-and if that attempt failed it is not on account of reasons germaine to his politics but for other reasons. That in this country, in this town, the capital of this State, a public meeting cannot be held for these purposes, firstly by the opposition party to explain its policy and programme to the people, secondly that a day like this cannot be celebrated, is a state of affairs, Sir, which is one which no freedom loving citizen can tolerate. In this connection I do not forget the observation which you made regarding violence and disturbances that are likely to take place in such meetings. Sir, to the best of my memory-for the last 15 or 20 years I know of public meetings in the State,-there has not been one single public meeting in our country, in this State, where there has been disturbance. The people are so peace loving, so loyal, that there has been no disturbance-only on one occasion there has been disturbance and that was at Manikattanal at Trichur on the 9th or 10th August, disturbance caused not by the people but by the Police and the Military who hunted the people from house to house and beat them. On that occasion alone there has been violence in public meetings in Cochin-and another occasion at Ernakulam at about the same time when there was an unwarranted lathi charge on the people. I fail to understand, Sir, how for security reasons in Ernakulam such meetings can be prohibited. I was surprised to find, Sir, a similar fate shared by another friend of mine. The Secretary to the Communist party of Ernakulam applied for sanction to conduct a public meeting not to celebrate the Martyrs Day, not to explain the policy and programme of the Communist party, but to explain to the people the policy of the Labour Government in England and to congratulate Mr. Attlee on his coming to power in England as the Head of the Labour Government. That application also was rejected

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for security reasons (*laughter*) and therefore what does it come to? I feel like exclaiming, Sir, we want to be defended from the Defence of India Rules, we want security against these security provisonsll That is what it has come to. This policy won't do Sir. This Government must give freedom of speech to its people freedom of association and all those things. If violence is perpiterated, if sedition is preached and if undesirable consequences follow, then I once more repeat what I said on a previous occasion, Sir, the arms of the law are long and strong enough to apprehend those people and book them. With these words Sir, I commend this motion to the acceptance of this House.

Mr. M. K. Raja *(Mulakunnathukavu)*: Mr. President, it was just 9 days ago, as this House will remember, that this House pressed home and passed unanimously a cut motion moved by our leader, the Hon'ble Member for Ernakulam, under General Administration on a subject which incidentally forms the subject matter of the present adjournment motion also. This House will also remember, Sir, that cut motion related to the existing restrictions on the holding of public meetings in Mattancheri, Ernakulam and Anthikad and this House by unanimously passing that resolution, let me say unanimously except for the Treasury Benches, gave its considered verdict that it is not in a position to endorse the unsatisfactory policy of the Government with regard to this matter. A look at the Division List on that, particular day Sir, will show that almost the entire block of non-official opinion in this House without exception was ranged against the Government in what was perhaps the most spectacular defeat that they suffered during this whole session. That again will show that on that occasion the victory that we won on that cut motion was not a mere snap victory, a victory of sentiment over sense, but this House gave its verdict that it is impossible for it to sanction or see eye to eye with the Government in the wrong policy it is following with regard to the public meetings and civil liberties in this State. The Government spokesman who argued the case for the Government on that day, I remember, put on a most angelic air of sweet reasonableness and assured every one of us here that these restrictions were merely in the nature of precautionary measures that they would not be kept up for even one day longer than was actually necessary, that all bonafide requests for permission to hold meetings in these places would be most sympathetically considered and will be granted and have been granted, and therefore, this by itself would be enough to show the bonafides of the Government's intention.

Mr. B. V. K. Menon *(Secretary to Government)*: We stick to that opinion even now.

Mr. M. K. Raja *(Mulakunnathukavu)*: That being so, he went on to argue, with the most touching air of injured innocence, that he simply could not understand why we, the Members on this side of the House all, in his opinion estimable ladies and gentlemen—should worry ourselves so much over a trivial matter like this. Sir, I beg to differ from him when he says that this is a trivial matter.

Mr. B. V. K. Menon *(Secretary to Government)*: I did not say it was a trivial matter.

Mr. M. K. Raja *(Mulakunnathukavu)*: You did not actually say so, but you made us to understand like that. His argument was driving in that direction, that is what I say. A question of this vital nature involving the very fundamentals of civil liberties of the people of the State may not look a vital thing in the eyes of the Government. But it is not the same with us. Sir, nine days have elapsed now, and I might say that the echoes of the tall promises made by the Secretary to Government, solemnly made on the floor of this House, have hardly died down, when here comes this instance, an instance which is the subject matter of this motion, an instance which has thoroughly exposed. Sir, the hollowness of the Government's professions and have fully justified, if a justification was even necessary, the stand that this House had taken on this important question. The circumstances leading to the present cut motion which is under discussion and the details thereof have been at length, and in detail, dealt with by the Hon'ble Mover himself. I do not propose, Sir, to traverse that ground again. But I would just like to place two aspects of the matter before this House, so that the Members of this House might be helped to put the whole question into its correct perspective.

Firstly, Sir, I ask who asked for permission to hold a meeting in Ernakulam on August 9th? Mr. Panambilli Govinda Menon whatever else he may be, has a status in this House. He is the leader of a disciplined and organised party in this House, a party which, I dare say, the Government itself will admit, has shown during the past two weeks ample evidence of its readiness, of its willingness and even anxiety, to offer its fullest co-operation to this Government in all measures in which it thought it was serving the real interests of the people. Mr. Govinda Menon, Sir, cannot by any stretch of imagination be described as a political upstart. He has to his credit many more years of parliamentary life and parliamentary knowledge, than many Members of this including some of those who are sitting on the Treasury Benches. He is not a political agitator

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merely, though I know and this House knows and the Government itself must know, that if he wants to be one he can be a political agitator and a very good and effective one at that, Sir. If such a person asks for a permission to hold a most peaceful, a formal public meeting in the capital of this State and permission is refused, I feel, my party feels and this House must feel, that the Government has been guilty of a most discourteous and a most undemocratic act, an act which will certainly not redound to the credit of its democratic professions.

Sir, barring the Ministerial Party in this House which in theory at least, according to the Government of Cochin Act is a participant in the governmental machinery, we the Prajamandalam Party are the only organised party in this House. The position of our party therefore must be more or less analogous; according to democratic standards, to a party in opposition in a democratic legislature. If the Government is prepared to concede to us that position, and I hope the Government will do that, it would be only reasonable to expect that the Government would concede to us certain minimum, inherent, inalienable rights, one of which is the full freedom of expression not only in this House, but also outside. The Government cannot escape this liability to concede this freedom to us, Sir, if the Government wants to substantiate its professions as a democratically-governed and an advanced State in the comity of the States of India. This Government has adorned itself with some of the tinsels and trappings of responsible Government, and is never tired of proclaiming to the whole world that Cochin has some form of responsible Government; it certainly does not stand to reason that it should deny to the Leader of the Opposition the same right which they claim in this House, which they claim to practice outside also, the right to place the policies of the party before the public.

Secondly, Sir, I would refer to the nature of the meeting. It was under instructions, as the Mover of the cut motion pointed out, of the President of the Indian National Congress among other things, to honour the memory of the Martyrs and the fighters of India's freedom battle who are now rotting in various stages of death and decripitude, behind the prison bars of British India and various other native States-of course Cochin excluded. We had very clear instructions from the President that the meetings that were to be held on that particular occasion should be of a most peaceful nature, that no breaking of law was ever to be attempted or contemplated and that only one speaker and that itself a responsible man from public life alone, should preside and speak on that occasion. And, Sir, who are these martyrs? As my friend the leader of the Prajamandal Party pointed out, it is people of the calibre Sri Jai Prakash Narain who, whatever the Government thinks about him, is the uncrowned hero of the youth of India, about whom Gandiji himself once remarked "what Jai Prakash does not know of Marxiam Socialism nobody else In India does"; people of the calibre of Dr. Ram Manohar Lohia, a young, energetic and most erudite leader of the youth of India; Mrs. Aruna Asf Ali of whom perhaps I may make myself bold to say a braver woman than whom cannot be found in the whole world. Sir, it may perhaps and these very people whose memory the officials of the Government thought fit to discredit that will be manning the machinery of our Indian Government at some future date. Perhaps it might then fall to the fate of the Hon'ble Members on the other side, when a free Government, a Government of the people is established here, to invite these very same people to Ernakulam, to entertain to them, to talk to them, to respect them and perhaps negotiate with them on various matters affecting the interests of the State and India has a whole. No. Perhaps that may not come to pass at all because when such a free Government of the people of India is established in India, we might naturally expect that such a Government will come into being in Cochin also. In that case the Hon'ble Members sitting on the opposite side may be somewhere else and probably we will be sitting there.

But any way, Sir, that is not my point. The Government gave as its reason for refusing the permit for holding this meeting that it was merely security reasons that prevailed with them in refusing the permission. I have pointed out that the meeting was to have been of a most peaceful nature and the Government had absolutely no reasonable grounds for apprehending the breach of the peace or public tranquility. The Government often talks of security. If this is the interpretation they put upon that word, if this is the way in which they enforce the security of the people we must say that it is not the same security as we understand it, it is not security of the people but just the opposite.

Sir, I do not want to say very much more on this question. But I would just like to recall a short passage from the speech which I made last week in this House during the course of Budget discussion. I said on that occasion that our party as the organised party in the opposition, was prepared to offer our fullest co-operation—I used the word responsive co-operation—to the Government in all measures by which we thought we could promote the interest of the people. I am not using the language of threat or intimidation, but I have to say this that

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provocative and unprovoked acts like these which the Government seemd to take a pleasure in indulging in, against the members on this side will necessarily have the effect of compelling us, Sir, in sheer self-defence and in defence of our honour to reconsider our attitude towards the problem of our relations with the Government. I hope the Government will do its best to avoid —I mean with all sincerity—the development of such a situation. Sir, we were prepared to put the Government on their honour. We willingly and humbly submitted to the order banning the meeting, because we did not want to commit a breach of peace and that itself will prove our bonafides. But so far as the Government is concerned, I wish to say that we have put them on their honour and they have failed, I am sorry to say, they have failed miserably.

Mr. President: The Hon'ble Member's time is almost up.

Mr. M. K. Raja *(Mulakunnathukavu):* It is in these circumstances the motion has been moved. I support it.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Sir, on a former occasion I had clearly brought to the notice of the Government that the banning of meetings, processions, etc., was not at all necessary in the State under the present circumstances. The times may be abnormal but the atmosphere is not abnormal. That is my position. Whatever meetings may be held here, whosoever may speak about anything in the world, no disturbance will be created here at present. Therefore there is no necessity for the Government to continue that ban. The continuance of that ban has created this difficulty. One particular officer of the Government did that—I am not blaming him. He interpreted the situation in his own way. It is very difficult to interpret the possibilities of situations. Therefore, he interpreted it in his own way and did not give permission to hold the meeting. Therefore, I support the motion. But what I want to impress upon the Government is that they may forthwith withdraw the ban *(hear, hear)* and avoid the difficulty of putting themselves in awkward positions unnecessarily. There is no necessity of the ban for themselves, for the people or anybody else in the world. I do not think that security reasons now require the banning of meetings here. I think difficulties will be created for security if this ban is continued. There is no necessity for continuing the ban. I was one of those who supported the Government in a particularly abnormal time with abnormal atmosphere surcharged with, according to me, dangerous possibilities. Then I was one with the Government. In the last meeting such a co-operator requested the Government to remove the ban. My only request to the Government is at least hereafter there should not be any difficulty like this. I do not support all the strong terms used by the other party. I support their motion, and I am one of those who have come to experience the difficulties of this unnecessary ban, Government have got nervous about the celebration of the Martyrs' day why should they bark. The martyrs may be asked by His Excellency the Viceroy to meet him. There were many people who co-operated with the Government in the abnormal time, in the difficult atmosphere, but they were ignored and the martyrs were invited *(laughter)*. That is the nature of things taking place. Therefore why we, the poor Cochinites, should refuse to honour those people. If the representative of His Majesty's Government and the representative of the Government of India find no difficulty to honour them and refuse to honour others who stood by them in the difficult times, why we, Cochinites, should stand against those people who want to honour their heroes. Let them honour them hold meetings and make any number of speeches. The heavens are not going to fall down. Therefore, I support the motion and request the Government to lift the ban. Though the other party used strong terms, what they want is that hereafter at least they must have freedom to hold meetings. That is the only thing they want. We also want it. Therefore I request the Government to forthwith remove the ban.

***Mr. L. M. Pylee** *(Latin Christians-Ernakulam):* Mr. President, Sir, I rise to support this motion. In my opinion this was rather a short-sighted act on the part of the authorities to refuse the permission that was sought. Sir, There is no justification for that refusal. It is quite plain that though the times may be abnormal in many parts of the world, so far as the circumstances relating to the situation are concerned, we are in very normal condition and we are in very calm atmosphere. Sir, one remarkable thing about the public of Cochin is that they are law-abiding, they are peaceful citizens, and therefore there was no necessity whatsoever to harbour this sort of unnecessary suspicion in the minds of the authorities against the meeting that was sought to to be held.

One particular thing, Sir, that I want to point out is this, namely it was not any irresponsible demagogue or demagogues, it was not irresponsible organisation hungering for cheap notoriety that asked for permission to hold this meeting. It was a well-organised body, a

*Speech not corrected by the Hon'ble Member.

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respectable body, a body that has been putting forward the ideal of peaceful co-operation with the Government, a body which to my knowledge wherever they go preach that the citizens should be law abiding and peaceful. Therefore, Sir, when such a body and particularly when the Leader of that body who has a place in this house and who holds a responsible place in this House, when such a man in the name of that organisation applies for permission to hold a meeting of the sort, a meeting which we have every reason to think will not break the law will not indulge in violence, a meeting which the public really thought would be held in a peaceful atmosphere and in the most peaseful manner, why, Sir, I ask, should the Government refuse permission for such a meeting. I should think, Sir, that it was a very short-sighted act—I do not say policy, as the Diwan-President mentioned, it is an act in accordance with a certain policy, I do not question the policy. Was this act proper, that is what I want to ask. Sir, in Cochin, I do not think there is so much need for the restriction of legitimate freedom of the citizen and freedom of association. Of course, the House has voiced its sentiment, the House has laid its protest against the existing ban and the public feel that there is absolutely no need for the existence of such a ban as the cut motion on the point has made it clear.

Sir, I need not take up long. The circumstances have been explained by the Members of the Party concerned. I am only asking this house and the Government to respect our freedom, restrict not our freedom without need, without necessity. After all the war has been fought, the war is being fought, the war is being concluded for precious freedom, freedom of speech, freedom of association, freedom of religion, and freedom from want and fear, the four freedoms which the late President Roosevelt proclaimed as the goal of the mighty war that has been fought and if we are citizens of an enlightend and progressive State, if we are the peaceful citizens of this progreessive State, if we are to hold the ideals of peace and loyalty in the very fore-front of our actions, if that freedom of association even for this purpose of holding a meeting for such a legitimate purpose, for such a patriotic purpose, without the least idea of causing any embarasement to the Government or to the authorities concerned and with such precautions and with such insistence that not the least in the peace of the place should be broken and with such care on the part of those concerned, if you are going to restrict our freedom even in that matter, Sir, I ask whether we are following the ideals for which from our own State we have sent thousands and thousands to outside the State to shed their blood and win the war with toil and tear and blood and sweat. Sir, even though it was a meeting that was organised by a particular party, we feel that this refusal on the part of the Government to grant the permission is a matter, that is common not merely to that party but of the whole population of Cochin and we feel it, Sir, this is what I wanted to make known to the Government.

Mr. P. K. Dewer *(Nominated):* Sir, in the name of the organised labour of Cochin, whose representative I have the privilege to be here, I support the motion. I do not find there is any necessity for such a restriction as the one now imposed, I believe that no security will be in danger by allowing public meetings or processions in their places. Labour was not able to organise several meetings on account of these restrictions in these places, and on behalf of Labour I appeal to Government to withdraw these restrictions as early as possible, if not forthwith.

* മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, ഇതിനെസംബന്ധിച്ചു രണ്ടുവാക്കു പറയുവാൻ ഞാൻ നിർബ്ബന്ധിതനായിട്ടുണ്ട്. ഇതിനെ സംബന്ധിച്ച് ഞാൻ നിയമസഭയിലേക്ക് ഒരു ചോദ്യം അയച്ചിട്ടുണ്ടായിരുന്നു. അതിനെ സംബന്ധിച്ചുതന്നിട്ടുള്ള മറുപടി തീരെ അതൃപ്തികരവുമായിരുന്നു. തിരഞ്ഞെടുപ്പു കാലങ്ങളിൽ ഓരോ സ്ഥലങ്ങളിലും ചെല്ലുവാൻ സാധിച്ചില്ലെങ്കിലും നന്ദിപറയുവാനായിട്ടുള്ള യോഗം കൂടിട്ടെങ്കിലും നന്ദിപറഞ്ഞുകളയാമെന്നു വിചാരിച്ചു അതിനനുവാദം ചോദിച്ചു. ഒരു ദിവസം മൂന്നാലു മിറിംഗുകൾ വീതം നിശ്ചയിച്ചിട്ടുണ്ടെന്നു പോലീസ്സിനെ അറിയിച്ചു. ഒരേ ഉദ്ദേശത്തിൽ കൂടുന്ന ഓരോ യോഗത്തിനും പ്രത്യേകം, പ്രത്യേകം സ്റ്റാമ്പൊട്ടിച്ചു ഹജ്ജു വേണമെന്നു പറഞ്ഞിട്ട് അതെല്ലാം മടക്കിയയ്ക്കുകയാണുണ്ടായ്തു. ഗവൺമെണ്ടിന്റെ ഉദ്ദേശംതന്നെ ഹജ്ജികളിന്മേൽ സ്റ്റാമ്പൊട്ടിച്ചു വന്നാൽ അതിന്മേൽ ഒരു വലിയ ആദായമുണ്ടാക്കുവാൻ കഴിയുമെന്നുള്ളതാണോ എന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു. (ചിരി) ഇപ്പോൾ ഇവിടെ നടന്ന സംസാരത്തിൽ നിന്നു കേട്ടതു പൊതുജനങ്ങൾക്കു് ആപത്തുകളൊന്നും വരാതിരിക്കുവാനും അങ്ങിനെയുള്ള ആപത്തുകളിൽനിന്നും അവരെ രക്ഷിക്കുവാനുമാണ് ഈ പ്രത്യേകവ്യവസ്ഥ ചെച്ചിരിക്കുന്നതു"എന്നു. എന്നാൽ ഗവൺമെണ്ടിന്റെ പ്രവൃത്തിയിൽനിന്നു മനസ്സിലാകുന്നതു് പണം ഉണ്ടാക്കുവാനാ

*Speech not corrected by the Hon'ble Member.

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ണെന്നാണ്. നന്ദിപ്രകടനം ചെയ്യുവാനുള്ള ഒരു യോഗം കൂടുന്നതിനു് അനുവാദം ചോദിച്ചാൽ അതിലും കൂടി ഗവൺമെണ്ടു് തടസ്ഥമായി നില്ക്കുന്നുവെന്നു് വന്നാൽ ഗവൺമെണ്ടു് ഏതൊരു ഉദ്ദേശത്തോടുകൂടിയാണു് ഈ നിയമം ഇവിടെവെച്ചു് പാലിക്കുന്നതെന്നു് ഞങ്ങൾക്കു് മനസ്സിലാകുന്നില്ല. ആക്കുവേണ്ടി, എന്തിനുവേണ്ടി, എന്തിനെ ഭയന്നാണു് ഇതു് നിലനിറത്തിപ്പോരുന്നതെന്നു് ഞങ്ങളെ പറഞ്ഞു മനസ്സിലാക്കിത്തരുവാൻ ഗവൺമെണ്ടുദ്യോഗസ്ഥന്മാക്കു് സന്മനസ്സുണ്ടായിരുന്നാൽ കൊള്ളാമായിരുന്നു. എനിക്കു് ഒരൊറ്റ സംഗതി പറയണമെന്നേയുള്ളൂ. ഒരു രാഷ്ട്രീയകക്ഷിയുടെ പ്രചരണയോഗമോ, അസംബന്ധമായ മറ്റേതെങ്കിലും യോഗമോ കൂടുന്നതു് ആപത്തുവരുമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ജപ്പാനംകൂടി സറണ്ടർ ചെയ്തിരിക്കുന്ന ഇക്കാലത്തു്, പത്തുപന്ത്രണ്ടു മണ്ഡല മെമ്പർമാരെ അനുവദിക്കാത്തതു് അനാശാസ്യകരമായ ഒരു സംമ്പ്രദായമാണു്. ഇതു് ഒരു ഗവൺമെണ്ടിനും യോജിച്ചതല്ല. അതുകൊണ്ടു് ഇങ്ങിനെയുള്ള തടസ്ഥങ്ങൾ ഇല്ലാതാക്കേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഭക്ഷിണേന്ത്യയിലെ സൌന്ദര്യറാണിയായി പരിഷ്കൃരാത്തിലും സംസ്കാരത്തിലും ഏറ്റവും മുന്നണിയിൽ നില്ക്കുന്നുവെന്നഭിമാനിക്കുന്ന കൊച്ചിക്കു് ഇതു് യോജിച്ചതാണോ? ഈ ഗവർമ്മെണ്ടു ഇതു അധഃപതിച്ചുപോയോയെന്നു് ഞാൻ ചോദിക്കുന്നു. (ചിരി) ഇനിയെങ്കിലും ഈവക സാങ്കേതിക തടസ്ഥങ്ങൾ എടുത്തുകളഞ്ഞു് ജനങ്ങളുടെയിടയിൽ അതൃപ്തി ഉണ്ടാകാതെ നല്ലപിള്ളയാകുവാൻ ഗവർമ്മെണ്ടു് ശ്രമിച്ചാൽ കൊള്ളാമെന്നു് പറഞ്ഞുകൊള്ളുന്നു.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)* : Mr. President, Sir, I wish to intervene in the debate at this stage as I see that we are showing a tendency to wander away from the issue. The issue before the House, Sir, the refusal for security reasons of the meetings that was requested for by no less a person than the leader of the opposition who in his capacity as the President of the Kanayannur Taluk Prajamandalam Committee. It has been refused. The criticism or the censure that is raised through this motion, Sir, is the point that I mention and not the proprietary or otherwise of the existing ban though that is extremely bad and highly objectionable and the earlier it is removed that is better. That is, however, not the issue. The working of the ban and the way in which it was done by this refusal and that alone is the issue before the House and that is the point of criticism.

Now, Sir, of all the freedom cherished by men freedom of speech and association, any reasonable man will grant, takes the topmost place. Situations may arise, Sir, that warrant or may seemingly warrant some restrictions being placed upon that most cherished of all freedoms. For purposes of this argument I will concede that two years back probably such necessity at least in the imagination of our Government had existed for introducing such a ban. But the ban fortunately was not an absolute ban, banning all meetings. There was a proviso that if an application is made and permission taken meetings even in those so called abnormal times could be held. That is the ban. Normally we should think, Sir, that that order, that notification means that when an application is made to the authorities concerned stating that a meeting is proposed to be held for a particular purpose, on the receipt that notice the Government, in except in exceptional cases would grant the permission to hold that meeting. That is the usual freedom the unfettered freedom which is restrained by the ban will be allowed to be exercised if the Government is at the proper time apprised of the meeting and their permission is obtained. Therefore, Sir, the refusal of the Government to grant permission for holding such a necessary meeting, at the same time an absolutely necessary meeting, because of the importance of the day, Sir, because of the purpose for which it was requested for, because of the environments in which it was sought to be held was not right. If the authority had taken these factors into consideration as he ought to have if he deserve the name of an officer of the Government there was no possibility of that order being given in the form in which it is now communicated to the applicant. As was stated in this House by the Hon'ble Member for Kanayannur-Ezhuvas the holding of such a meeting would not have brought about calamities of any kind at all. I was sorry to hear the very helpful explanation offered at the beginning of this discussion it was right to exonerate the individual concerned and take the blame upon the Government itself because of its policy and reference was made to abnormal times and disturbance might follow. But with pain I ask them what is it that they were seeing throughout the State and especially in this restricted area of Ernakulam? Was there any disturbance of any kind? Had we not very many meetings during the election days? Were not meetings addressed where thousands of people had gathered? Were not very strong expressions used, expatiating upon the programme of the party to which I have the honour to belong? Did any disturbances take place? When reference is made to

*Speech not corrected by the Hon'ble Member.

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likelihood of disturbances, it is, Sir, the surrounding circumstances, our previous experience that ought to be considered and in the light of that I find, Sir, absolutely no justification for the order refusing the request made from such a responsible corner and for doing a thing which nobody unless of a perverted turn of mind would say is objectionable. The celebrations are never objectionable. The person who has applied for it is certainly responsible, and more than anything elose. as observed by the Hon'ble Leader, where is the fear of something untoward happening. Is the law in Cochin; enlightened Cochin, so weak that any disturbance, any untoward insident that takes place at the time of a meeting, through the speakers or through the listeners, I put you the question, Sir, are our laws so weak that action under the law would not meet the exigencies of the situation be sufficient to book the offender if one unfortunately comes on the scene. By saying that nothing but refusal to hold the meeting will serve the purpose is to say that the existing laws are absolutely useless to meet any situation that may arise. Is that the position with regard to the laws of the State is another question that will directly arise in this connection. Therefore I have only made of censure and condemnation for the act of the Government, communicated or rather sent to the applicant through the executive officer as a result of the policy of the Government; I have only condemnation for that policy. At least in the working of the ban, till such time that the ban is removed, I entreat the Government that officers of theirs be given proper instructions to see that such abuses are not repeated and if only the Government will be pleased to do that, the purpose of this motion will be satisfied.

Mr. B. V. K. Menon *(Secretary to Government)*: Sir, I am glad I got an opportunity to thank the Prajamandalam Party for the promise of very responsive co-operation with the Government.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Have you not seen it ?

Mr. B. V. K. Menon *(Secretary to Government)*: Yes, except for such unseemly interruptions, I have always noted that the Prajamandal Party has acted in the most responsible manner.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: We beg to differ.

Mr. B. V. K. Menon *(Secretary to Government)*: I have the honour to, Sir. Let me also request that, if Government some times have had occasions to differ from the views on any particular policy or any particular action they should also realise that there can be a different view to what they hold and it is not merely opposition for sheer opposition's sake.

Having said that, let me come to the proposition now before us. I refuse to detract from the particular issue on which this motion has been moved. I do not propose to speak again on the ethics of banning such meetings in the State. We are now to consider only about the action in refusing a particular request made by the Hon'ble leader of the Prajamandal Party to hold a meeting for two particular purposes. Let me assure the Hon'ble Members that it is only the addition of these two different purposes that made the situation rather inconvenient. I may assure the House that if it were only for the purpose of explaining the policy and programme of the Prajamandal Party there would not have been any occasion to refuse that application and the meeting could certainly have been held. But as the Hon'ble Mover himself said that it is possible to have two opinions about the expediency and advisability of having the other object, namely honouring the martyrs at the present time. He himself stated that there may be two views and that is what I urge that it is the fear that there might be, on account of that difference of opinion, some untoward thing happening that we decided that it is not expedient to consent to the holding of that meeting. Now, Sir, it might be asked whether anything untoward happened and if so, that was one of the themes harped upon by Hon'ble Members, whether the ordinary arms of law are not strong or long enough to cope with the situation. It might be so. But there is also the good old saying that prevention is always better than cure. Why give room to.....

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: When there is no disease to prevent ?

Mr. B. V. K Menon *(Secretary to Government)*: That is what I said. I refuse to be confused about the issues. The question is not about the policy of having this ban. The question now to be decided by this House is whether—I earnestly plead that Hon'ble Members should bear in mind that the motion is not about the general policy or ethics of having this ban about which—this House had an opportunity to discuss and record their views—having that law in force whether the Government were wrong in refusing permission for a meeting to particularly eulogise the services of the martyrs as the Hon'ble Member put it.

Mr. M. K. Raja *(Mulakunnathukavu)*: May I know what the Government think particularly objectionable in the Martyrs' day?

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Mr. B. V. K. Menon *(Secretary to Government):* It is that some might be of the view that it is not proper to eulogize them and that there might be objection as to the action taken by them in these days. Why should we go back to 3 years before and reopen the issue just now. As a matter of fact, the Hon'ble mover himself said that in Cochin 10th of August 1942 started rather with a very unhappy record.

Mr. Puthur Achyuta Menon *(Kattur):* Not of this issue of martyrs.

Mr. B. V. K. Menon *(Secretary to Government):* The martyrs are the offshoots of the 1942 disturbances. That is why in this particular time we do not want any unseemly thing to happen here and that is why it is stated it is on account of security reason. So let not the House be misled by the general ethics of the question. The only question now to be decided is.....

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* There was no attempt on the general ethics.

Mr. B. V. K. Menon *(Secretary to Government):* Always you say that it is the law that is wrong. That is what you said. Certainly if there is no ban this question would not have arisen at all. The question is whether the particular action in refusing this particular meeting was wrong. That is why I say that the House should not be misled by the general ethics of the question. At any rate in this particular case it was only as a precautionary measure, a matter in which if discussed there might be differences of opinion which might have led to unseemly things. It was only on account of that fear that this request was refused. As I said in the beginning if it were only to explain the policy and programme of the Prajamandal party I am sure that the request would not have been refused. As a matter of fact when I heard for the first time that such a refusal was made, the impression that I gathered was that the object of the meeting was only to explain the object and policy of the party and I for one was rather very much upset and rather angry that such a thing took place. But it is only when I probed into the matter further that I found that it was not on this issue that the permission was refused.

Rao Sahib K. Apyappan *(Ezhuvas-Kanayannur):* Then you thought you will have to defend that position also.

Mr. B. V. K. Menon *(Secretary to Government):* I will certainly say that it would have been wrong for the Cochin Police or the Cochin Government to refuse a meeting convened by the Leader of the Opposition Party here who profess and who have now by practice shown that they go by definite principles to explain their policies and programmes. I certainly concede that it would certainly have been wrong to refuse permission to that meeting if it were only for that. But as I said it is only the joining of another subject matter in this that put everybody's position different. Let us hope that as things already portend this sort of thing will not continue much longer. As I said even at the time the cut motion was moved Government are anxious to remove this ban as early as possible. Certainly we do not derive any pleasure from the fact that the people are not allowed to speak wherever and whenever they want. The earlier we get rid of the ban the better for us too. That is why I said that the Hon'ble House should not doubt the bonafides of the Government and I assure the House with all the earnestness at my command that this ban will be lifted as early as possible. Let us hope that it will be sooner than we expect.

Mr. P. Govinda Menon *(Ernakulam):* After I heard the Secretary to Government I felt that the Diwan and the Secretary were speaking in two voices. You, Sir, in your explanatory statement informed this House that with respect to the particular meeting there was no apprehension whatsoever that there would have been a breach of the peace.

Mr. B. V. K. Menon *(Secretary to Government):* That is not what he said.

Mr. P. Govinda Menon *(Ernakulam):* That is what he said.

Mr. President: No, Sir. I think that is a mis-quotation if I may say so. What I said was that it was not certain that the meeting would be followed by disturbances. I did not consider it even probable. But I did think that there was a possibility.

Mr. B. V. K. Menon *(Secretary to Government):* And we did not want to take the risk. That is all.

Mr. P. Govinda Menon *(Ernakulam):* Mr. President, we got the impression that the Diwan was saying at least in respect of this meeting, I am sorry. But then I am not so sure whether this addition of word "martyrs day" was the reason for the Government.....

Mr. B. V. K. Menon *(Secretary to Government):* Sole reason.

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